

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO ALL
ACTIONS

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Judge Patti B. Saris

**DECLARATION OF SCOTT FORAKER IN SUPPORT OF
DEFENDANT IMMUNEX CORPORATION'S INDIVIDUAL
MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION TO
CERTIFY CLAIMS WITH RESPECT TO TRACK 2 DEFENDANTS**

I, Scott Foraker, duly declare as follows:

1. I am a Vice President at Amgen Inc. ("Amgen").
2. In July 2002, Immunex Corporation ("Immunex") was acquired by Amgen and is now a wholly-owned subsidiary of Amgen.
3. In November 2002, Immunex entered into an agreement with Ares Trading S.A., a then wholly-owned subsidiary of Serono S.A., pursuant to which Immunex licensed to Serono the exclusive right to market and sell Novantrone® in the United States.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct based on my own personal knowledge.

Executed this 14th day of June, 2006.

A handwritten signature in black ink, appearing to read 'Scott Foraker', is written over a horizontal line.

Scott Foraker, Vice President

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2006, I caused a true and correct copy of the Declaration of Scott Foraker in Support of Defendant Immunex Corporation's Individual Memorandum in Opposition to Plaintiffs' Motion to Certify Claims with Respect to Track 2 Defendants to be served on all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending a copy to LexisNexis File and Service for posting and notification to all parties.

By /s/ Kathleen M. O'Sullivan
Kathleen M. O'Sullivan